

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JUDICIAL WATCH, Inc. et al.,)	
)	
Plaintiffs,)	
)	
v.)	1:12-cv-800-WTL-TAB
)	
J. BRADLEY KING, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

Defendants, J. Bradley King, in his official capacity as Co-Director of the Indiana Election Division, Trent Deckard, in his official capacity as Co-Director of the Indiana Election Commission and Connie Lawson, in her official capacity as Secretary of State, respectfully submit that this case should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of this Motion, Defendants state as follows:

1. As is more fully stated in Defendants' Brief, which is filed contemporaneously herewith and incorporated by reference, Plaintiffs Judicial Watch and True the Votes's claims should be dismissed because they did not state a claim upon which relief may be granted, particularly by failing to provide proper notice of allegations as required by the National Voter Registration Act. Further, even assuming Plaintiffs had provided notice, Plaintiffs do not have standing. Lastly, as the Secretary of State has no authority regarding the NVRA, she should be dismissed as a Defendant.
2. Defendants therefore move the Court to dismiss all of Plaintiffs' claims against the Indiana Election Division and Indiana Secretary of State with prejudice.

WHEREFORE, Defendants respectfully request the court to dismiss with prejudice all claims asserted against them and for all other just and proper relief.

Respectfully submitted,

GREGORY F. ZOELLER
Indiana Attorney General
Attorney No. 1958-98

By: /s/ Jefferson S. Garn
Jefferson S. Garn
Deputy Attorney General
Attorney No. 29921-49

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of August, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to the counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Paul J. Orfanedes
JUDICIAL WATCH, INC.
porfanedes@judicialwatch.org

Chris Fedeli
JUDICIAL WATCH, INC.
cfedeli@judicialwatch.org

David R. Langdon
LANGDON LAW LLC
dlangdon@langdonlaw.com

Joshua B. Bolinger
LANGDON LAW LLC
jbolinger@langdonlaw.com

/s/ Jefferson S. Garn
Jefferson S. Garn
Deputy Attorney General

Office of the Indiana Attorney General
Indiana Government Center South, 5th Floor
302 W. Washington Street
Indianapolis, IN 46204-2770
Telephone: (317) 232-6292
Fax: (317) 232-7979
Email: jefferson.garn@atg.in.gov